

TERM OF COMMISSION: September Session of the August Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Deputy County Clerk Shawna Victor

The meeting was called to order at 9:32 a.m.

Subject: Sheriff's Department – Authorize Presiding Commissioner to sign the Federal Equitable Sharing Agreement between the Boone County Sheriff's Department, the U.S. Department of Justice, and U.S. Department of Treasury

Major O.J. Stone was present on behalf of this item.

Major Stone stated this is a three year agreement with the Departments of Justice and Treasury. This allows the Sheriff's Department to participate in the federal forfeiture fund. It is an equitable sharing agreement between all law enforcement agencies that are involved in getting funds that might be forfeited for criminal activities.

Commissioner Stamper asked what the deadline was for this agreement. Major Stone stated he believes the deadline is some time in October to have this document returned to the Department of Justice and Treasury.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

Subject: Juvenile Justice Center

Kirk Kippley, Juvenile Justice Center Superintendent, was present on behalf of these items.

A. First Reading of Contract for JAIBG Grant

Kirk Kippley stated JJC received this contract back and John Patton, County Counsel, has approved the contract. This contract will cover the time from October 1, 2002 to September 20, 2003. JJC is requesting the Presiding Commissioner to sign the contract.

He noted State funds would be \$64,416.32. The County match will be \$7157.37. This will total \$71,573.69.

Commissioner Miller asked if the County's share is already in the budget. Mr. Kippley stated this will be for next year.

B. First Reading of Budget Amendment for JAIBG Grant

Mr. Kippley stated this budget amendment is for \$11,588.00 to cover the cost of the salary and FICA for the legal assistant and the art teacher for the remainder of 2002. This does not require any County funds.

Commissioner Stamper asked if there was a time limit on the contract. Mr. Kippley stated there was no time limit on the contract. There is a time limit on the budget amendment as required by State Statutes.

Commissioner Stamper stated this is a first reading of a budget amendment and contract for the JAIBG Grant. He requested the Deputy County Clerk to schedule both items for a second reading and public hearing at the first available meeting after the required 10 day waiting period.

Subject: Prosecuting Attorney's Office

Kevin Crane and Bonnie Adkins were present on behalf of these items.

A. DOVE Grant Application Approval

Kevin Crane stated there are two assistant prosecutors who deal with crimes against females. A portion of their match money is still paid from the Prosecutor's Check Fund and another portion is paid out of general revenue. The Prosecuting Attorney's Office is requesting that the remaining balance that is currently paid out of the Check Fund be paid out of general revenue for the match money. The local match projected for 2001 is \$24,624.00.

Commissioner Stamper stated this would be a continuation of the DOVE Grant. It requires a similar local match as in the past. Commission Miller stated the only change is to have the match come out of general revenue instead of the Bad Check Fund.

Mr. Crane stated the match will be 25% of the total amount.

Commissioner Miller asked why the request is to move the match from the Bad Check Fund to general revenue. Mr. Crane stated the Bad Check Fund balance is \$13,786.00.

Commissioner Stamper asked what the time line was for the grant application. Bonnie Adkins stated the application has to be turned in by September 19, 2002.

Commissioner Miller asked if the \$27,000 will be from Proposition L funds. Commissioner Stamper stated the actual budget decisions as to what will come from Proposition L have yet to be determined and will be a part of the budgetary process. The Boone County Auditor, June Pitchford, is working on base line information and policy considerations currently. To assume this money would come from Proposition L would be a mistake at this point and believes in the overall budget perspective that this program is vital enough that Mr. Crane can find a way to make this work. He believes the DOVE program has proven its vitality and needs to be continues.

Mr. Crane stated at some point, questions like these will have to be answered and believes this is a valid question. He believes this program would be appropriate and authorized through the agreement with the Public for Proposition L for funding.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

B. Appointment of Assistant Prosecuting Attorney

Mr. Crane stated Julia Hosmer went to the City Prosecutor's Office. Richard Hicks is the replacement attorney. Mr. Hicks is a former assistant Attorney General and comes highly qualified to Boone County.

Commissioner Stamper moved to approve the appointment of Richard B. Hicks as Assistant Prosecuting Attorney.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 389-2002**

Subject: Purchasing Department – Second Reading to Award Bid 56-27AUG02 (Motorola Radios and Accessories Term and Supply)

Commissioner Stamper moved to award bid 56-27AUG02 for Motorola Radios and Accessories Term and Supply to Mo Comm Electronics.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 390-2002**

Subject: Public Works

David Mink, Public Works Director, was present on behalf of these items.

A. Second Reading and Adoption of Right-of-Way Policy

David Mink stated after issues were raised at the first reading of this policy, the Public Works Department, John Patton, and the Water Districts, he believes a resolution has been made on most of the issues that were raised.

There is a defined zone, which contains the ditches and the road surface, that will be 100% inspected, under the Special Work Permit. The work that is done beyond that defined zone, within the right of way, which will be inspected at 50% under the General Work Permit.

Excavation has been defined more so the work that is inspected is actually excavation type work.

A paragraph was added regarding work done under the General Work Permit. If a utility begins work under a General Work Permit then cause inadvertent damage to the ditches, the department has the ability to ask the utility to fix the damage.

These were some of the major issues that have been worked out. He believes this is ready to be adopted by the Commission.

Commissioner Elkin asked if emergency situations were addressed in this policy, such as a water line breaking and it is within the water district's right of way. John Watkins, Project Development Manager, stated this would fall under the Boone County Roadway Regulations Chapter 2.

Commissioner Miller thanked the department and all the utilities for their work on this policy. She believes this is a good policy but it would not have been possible without the utilities' input on the front end. It will save a lot of problems when this policy is implemented.

Mr. Mink stated the department will be creating forms for this policy. Their goal is to, sometime in the last quarter of 2002, have the policy going. Possibly by October 1, 2002 the department could be prepared to begin to implement the policy.

Commissioner Stamper opened the floor for a public hearing.

Dan Simon, Legal Counsel for Water Districts No. 1, 4, and 9, was present on behalf of this item.

Dan Simon stated he believes Mr. Mink is correct in that this policy has come a long way. There were acrimonious discussions at the outset and then much cooperation. The Water Districts appreciate the work of the Commission and the department staff. He believes as the policy stands now, the Water Districts' concerns about the policy have been eliminated.

Commissioner Stamper closed the floor for the public hearing.

Commissioner Miller moved to adopt the Right of Way Policy as presented by the Boone County Public Works Department.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

Commissioner Stamper stated he understands that issues like this sometimes begin in a difficult manner but by working together a mutual agreement can be met.

Commissioner Miller stated there are many counties across the state that have been waiting on Boone County to finalize this policy because they do not want to have to go through all the work Boone County has gone through. She will be forwarding this policy to the other first class counties per their request.

The motion passed 3-0. **Order 391-2002**

B. Second Reading and Approval of Adopt-A-Roadway (Easley River Road)

Commissioner Miller moved to approve request by the Missouri River Relief organization to adopt 2 miles of Easley River Road from Easley, MO to the intersection of Easley River Road to Smith Hatchery at Cooper's Landing for the Adopt-A-Roadway Program for litter control.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 392-2002**

C. First Reading to Accept Variance per Road and Bridge Advisory Committee (Driveway Access on Wagon Trail Road)

David Mink stated Mr. Earl Waddell requested a variance for a driveway because of the location of a fiberoptic cable that is in the area where the regulations require the pipe to be placed. This request was brought forward to the Road and Bridge Advisory Committee.

The Road and Bridge Advisory Committee believed this request for a variance was reasonable given the difficulty of relocating the fiberoptic cable.

The Road and Bridge Advisory Committee approved the driveway be placed a minimum of 3.5 feet from the edge of the roadway instead of the 6' minimum as required by the regulations.

Mr. Mink noted Mr. Waddell has expressed to the Road and Bridge Advisory Committee that he would like to begin work as soon as possible and requested the second reading of this item be waived.

Commissioner Stamper asked if there was any objection to waiving the second reading on this issue.

Commissioner Miller stated no because it has been reviewed thoroughly by Road and Bridge.

Commissioner Elkin had no objection to the request.

Commissioner Elkin moved to approve the following Variance Request of Mr. Earl W. Waddell regarding a driveway access onto Wagon Trail Road. Mr. Wadell will be allowed to place the pipe and valley of a driveway a minimum of 3.5 feet from the edge of the roadway, rather than six feet as allowed in the regulations. This is due to the location of a nearby fiberoptic line. The proper slope of the driveway will be constructed as per the Boone County Roadway Regulations.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 393-2002**

Commissioner Stamper stated he had an additional action item. This is regarding the replacement of bonds and a guaranty collateral pledge on a sewer project in Deerfield Estates Subdivision. The Certificates of Deposit that are on file in the Boone County Treasurer's Office will become mature on Thursday September 12, 2002 and they will be moving them to another bank. He is requesting the Commission to authorize the Treasurer to release the Certificates of Deposit. There was no objection to the request.

Commissioner Stamper moved to authorize the Boone County Treasurer to release the Guaranty and Collateral Pledge and Performance Bond for the Deerfield Ridge Subdivision Sewer Treatment Plant previously submitted by the developer of said subdivision and replace the Guaranty and Collateral Pledge and Performance Bond on behalf of the developer with Boone County Bank in the amount of \$100,000.00.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 394-2002**

Commissioner Reports

Commissioner Stamper

Boone Electric Cooperative C.A.S.H. Program

Commissioner Stamper noted the beginning balance of the C.A.S.H. Program in August was \$69,176.58. Donations were \$2,352.53 and disbursements were \$3,658.80. The end balance was \$67,870.31.

The H.E.L.P. Program beginning balance in August was \$19,820.09. Donations were \$1,781.07 and disbursements were \$1,849.13. The end balance was \$19,752.03.

Proclamation by City of Columbia and Boone County (Always Remember 9-11 Day)

Commissioner Stamper stated he and Mayor Darwin Hindman signed a joint proclamation recognizing September 11, 2002 as “Always Remember 9-11 Day”. A copy of this is available in the Commission Office.

There is a desire on behalf of some County employees to attend the ceremony that is planned at the Courthouse Square tomorrow. The events are as follows:

- 8:55 A.M. Welcome and introductions – Peggy Kirkpatrick
- 9:00 Honor Guard, posting of colors, playing of National Anthem
- 9:05 Church bells ring in recognition of when the WTC South Tower collapsed followed by 1 minute of complete silence. Lower flag to half mast.
- 9:07 Pray – Rabbi Yossi Feintuch, Congregation Beth Shalom
- 9:12 Governor Bob Holden
- 9:22 Prayer – Dr. A. Rashed Nizam, President, Central Missouri Islamic Center
- 9:28 Church bells ring in recognition of when the WTC North Tower collapsed followed by 1 minute of complete silence. Raise the flag to full mast.
- 9:30 Fire Chief Steve Paulsell, Boone County Fire Protection District Missouri Task Force One.

- 9:40 Bag Pipers – Amazing Grace
9:45 Prayer – Rev. John Yonker, Senior Pastor First Christian Church.
9:50 Close service and direct people to Parker Funeral Home for unveiling of the Memorial Wall and balloon release. Honor guard leads group to Parker.

He requested a letter be sent to Elected Officials and Department Heads to release non-essential employees to attend the ceremony. There was no objection to this request.

Commissioner Miller

Airport Advisory

Commissioner Miller stated there was a presentation by Ozark Management. They would like to become a fixed base operator as Central Missouri Aviation is today. Dave Rogers, Central Missouri Aviation representative, was present to discuss that this is not an equal playing field because state and local funds went into the infrastructure. The Board had in the past developed the minimum standards for a fixed base operation. It is a federal law that one cannot be denied so there has to be strong regulations to make sure that there is an equal playing field. They had asked Mr. Ellis to take the minimum steps to identify how he would meet those. He thought the Board should do this and inform him what he needed. The Board said no. There will be a special meeting on September 11, 2002 at 12:30 p.m. at the Airport to discuss the proposal by Ozark Management to become a fixed base operator at the Airport.

There was one Board member who has missed three meetings and by the Board's bylaws it requires one who has missed three meetings to be removed from the Board. This member is a professor at the University and was teaching classes at the time. This will be reviewed by the Board.

Boone County Group Homes

Commissioner Miller stated Boone County Group Homes will be holding a Candidates Forum on October 22, 2002 from 5:00 to 6:30 p.m. in the Chambers. This is something Group Homes has been involved in and have been in contact with other organizations representing the disability community in developing the forum.

There was a presentation about Health Insurance Portability and Accountability Act (HIPAA) and how it relates to Group Homes, the privacy of all different aspects they deal with on an individual basis. There are many organizations struggling with this.

She noted the Apple Tree property is being updated. This will be inspected by the County because they are a County organization.

Commissioner Elkin

None to report at this time.

Commissioners Stamper and Miller attended the first football game in Ashland on Sunday, where the Hallsville Indians played the Southern Boone County Eagles. Commissioner Miller noted the score was Southern Boone 39, Hallsville 6.

Commissioner Miller stated she received an e-mail from David Nichols, Public Works Design and Construction Manager, regarding McBaine. In 2001, the County appropriated \$3,000 for McBaine in revenue sharing. However, McBaine never returned their contract nor encumbered the funds. Nothing was budgeted in 2002 for McBaine because they had not done anything with 2001 and nothing is proposed for 2003. Now, Lucile Coleman, the McBaine Clerk, has requested the ability to spend \$3,000 originally budgeted in 2001. The Public Works Department is asking what should be done with this situation.

Commissioner Stamper asked if the funds were encumbered. Commissioner Miller stated no, funds would have to come out of this year's budget and a contract would be needed.

Commissioner Elkin stated the County had agreed that the funds would be given to McBaine.

Commissioner Miller stated that if the funds are given it needs to be made clear that a situation like this will not happen again.

Commissioner Stamper asked if the need was imminent or could the application process be allowed to carry over. Commissioner Miller stated she believes the original request was for rock.

David Mink stated if it is needed immediately then maybe they could submit a late application.

Commissioner Stamper stated it would be his preference to work with them but through the 2003 sequence unless the need is imminent. This was agreed upon by the Commission.

There was no further comment.

There was no public comment.

The meeting was adjourned at 10:03 a.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner